IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.244 OF 2000

Ghatge Patil Auto & Farm
Mechanization .. Petitioner

v/s.

The Sangli, Miraj and Kupwad
City through its Commissioner,
Sangli. .. Respondent

Mr.A.Y.Sakhare, senior counsel i/by Ms.Varsha Palav
for the petitioner.

Mr.N.V.Walawalkar for respondent.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 6th April, 2005

P.C.

Heard.

2. Instead of dealing with the diverse aspects raised in the writ petition on merits, we are of the view that interest of justice shall be sub-served if the Commissioner, Sangli, Miraj and Kupwad City Municipal Corporation looks into the petitioner's grievance as set up in their notice dated 8.1.2000.

3. Needless to say that section 147 of the Bombay Provincial Municipal Corporation Act, 1949 provides that the goods imported into the city are presumed to have been imported for the purposes of consumption, use or sale therein until the contrary

is proved by the importer and unless such goods are conveyed from the place of import to the place of exports by such routes, within such time, under such supervision and on payment of such fees therefor as is prescribed by the standing order. For every import of motor cycles by the petitioner in the territory of the Sangli, Miraj and Kupwad City Municipal Corporation for immediate exportation to the place outside the territorial limits of the said Corporation, the petitioner is required to adhere to the provisions contained in section 147 and the relevant octroi rules and the standing order framed for the said purpose.

4. At the same time, the Municipal authorities have to ensure as well that the importer of the articles for immediate exportation outside the territorial limits of the Municipal Corporation is not unnecessarily harassed.

5. While considering the grievance of the petitioner as set out in the notice dated 8.1.2000, the Commissioner shall keep the aforesaid aspects in mind and issue necessary directions.

6. With the aforesaid observations, rule is disposed of. No costs.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)